



Silver Springs Single Family Home Owners Report

Monday, March 11, 2019

Board Meeting 6:00 p.m. to 8: 40 p.m.

Slated for Park City Library Room
201 – Found empty & Locked
Apparently a last minute move to:
Coalition Title basement
2200 Park Ave. Bldg. B

In attendance: Board Trustees: Paul Reddy, Elena Gladson, Hunt Williams, Chris Kautz, Deb Hartley (resigned 3/13/19). Absent: Joan Benson, Edy McConnell Celarec.
Model HOA-PM: Allyson Dickey

In attendance: Homeowners: Clay and Lucy Archer, Chris Bachman, Marny Schlopy, Russ Paskowski, Heinrich Deters, Bill Noland, Tracy Tanner, Jessica Wiltsee, Frank Thomas, Kate Riggs, Rebecca Page & Michael Becraft, Edward & Paula Robertshaw. [15] How many others waited at the P.C. Library for someone to unlock the door of empty Room 201?

- 1) Call to Order: 6:ish p.m. This Report written by Lucy Archer, this Report is not the Board Minutes.
- 2) Owner Open Forum: Gratefully, Paul Reddy, board president, allowed all Owners to participate in all the meeting discussions during the entirety of this evening. At last, good Owner vibes. It was discussed that when the board changes a meeting venue, Model HOA is to send out a **timely** email to notify all the Owners of this change. Meeting agenda to be posted on the website at least five days prior to the meeting to allow participants to prepare comments.
- 3) Approval of Minutes: Feb. 11, 2019 Minutes [Not made available]. Williams asked for a correction to show that Clay Archer had been unanimously voted as a member of the Underdrain Committee on Feb. 11th. The Minutes for the Board's Annual Meeting on October 25, 2018 are now in draft form. Not approved. There was general membership disapproval for how long it takes to have Minutes posted before board approval and before they are available for the Owners to respond to the actions proposed by the board. The several ad hoc meetings held in November and December of last year with very little notice, did not include minutes or the comments from the Owners regarding the much disputed CCR Version 19 by Richards Law. [Link for the Oct. 25, 2018 Meeting Report.](#)

4) Discuss and approve member survey questions and methodology: The concern in our neighborhood was heard at a meeting, “we can tweak 4 to 7 disputed issues in the failed CCR Version 19, distribute a slanted survey, followed by another vote in May or June 2019 targeting Owners known to have not voted in January. If we get a dozen votes from this group we can reach the needed 51% to reverse the election.”

Here is a short list of Version 19 CCR needed changes: Article 20.5a: the Owner approval of the minimum number of days in a lease term; Article 8: Owner representation in disputes with the board; removal of underdrains from governing documents; the wholesale grab of power by the board diminishing the fundamental authority and franchise of the Owners; Article 9.4: the removal of foreclosure of homes now deemed by the Supreme Court as an act of policing for profit; Article 9.6: automatic conveyance of our individual properties, with power of sale, to the Association’s attorney as trustee; the right of Owners to vote for dissolution of the HOA (replaced with an elected council and a property management company); the percentage of Owners required for HOA vote actions, 51%, 67%, 100%; take the tone of the document from oligarchy to Home Owner rights and authority.

Correcting the above problems will not be enough to make Version 19 acceptable.

(Rules regulating the storage time limit on private property for RVs, boats, etc., and yard and home maintenance are separate ARC issues.)

Here is a short list of what needs to be changed in the HOA Bylaws: end bias and discrimination of election volunteer Owner candidates; the Nomination Committee needs to be re-named and re-established as the Election Committee since all Owners in good standing are eligible to volunteer to be on the election ballot; the lengthy voting period results in trustee foreknowledge of Owner’s votes used to sway lingering voters. The rules for the Board known as the Bylaws have not been discussed at all and should be a separate document from the rules for the Association, the CCR.

The Recitals also necessitate removal. *Artisans never put new wine in old bottles*, neither should we continue with the Developer’s 1979 Declaration written to include all the Silver Springs subdivisions, made more confusing [by the outdated 18 Amendments](#), and up to five years of CCR Versions from Morris & Sperry and Richards Law.

The majority of the Owners present seemed to agree the best course is to start over with a new document. Using Version 19 to create Version 20 is a fool’s errand that began in 2014 and has been unsuccessful. The cost to start over must be controlled better than this board’s expenditures during October, November, December 2018, and January 2019 tallying \$13,000 for the board’s attempt to pass their flawed CCR Version 19.

During the course of this meeting’s discussions Reddy attempted several times to form a motion to present the altered Version 19 CCR to the Owners for another vote. Some motions included use of a survey. His efforts received no traction. His two week timeline for the re-write committee to finalize a new CCR document was protested as to date the board has not seated any members to this committee. Owner Wiltsee summarized the above discussion. I understand a survey is to be sent out within a couple of weeks from today to use that as a starting point for the CCR re-write committee to begin its work. Anyone who does anything beyond the conclusions of this discussion and board vote will not be following protocol. Owners Kate and Rebecca agreed with this summary, as did a number of other attendee Owners.

Hunt: We agree the Communications Committee will prepare and distribute a survey to the residents. The results would be tabulated by the Rewrite Committee to use for the CCR Rewrite.

The elephant in the room was Paul Reddy's palpable reticence to discuss the [Home Owners New CCR Declaration](#), also his avoidance to assign ready volunteers to the CCR Re-write Committee after he said, "We will take all the volunteers we can get."

- 5) Discuss and approve Rewrite Committee charter. This idea of a charter for this committee is not within our Governing Documents. Is this an attempt to control how, when and what will be submitted to the Owners for a vote. A charter is a grant by the board to a group of appointed Owners for the purpose of providing advisory information to the board.
Basically, "Giving the grunt work to volunteers," by sharing responsibilities.
Owner, Kate, interjected that the board has been turning the table on accepted protocol. The board is to create committees to assist the trustees to address specific neighborhood issues and tasks and to serve in an advisory role for the benefit of the whole community. Committees are charged to gather information, assess problems, recruit expertise and then shoot their ideas to the board and Owners. Kate, reasonably requested for the board to post the attorney's engagement agreement on the websites for Owner review. Isn't this a transparency requirement?
Williams feels the board should not tell the Re-write or communications committees what to do. Several in attendance shared concerns about using John Richards again, there are ethics issues. In an HOA, committees are composed of Owners who are invested in the success of their neighborhood and personal property. The HOA exists only because a majority of Owners delegate their authority to a set of elected neighbors whom they hope to trust during a two year term.

- 6) Discuss and approve Re-write Committee members. This agenda item was again left undone. The prior five year re-write committee fellows all resigned prior to the January 31, 2019 vote, leaving it to date without members. The next board meeting isn't until May 13th. What will take place during the next two months?" Will the board president try to ensure a re-vote on a tweaked CCR Version 19 or will he include the alternate [New Home Owner CCR draft](#) on the ballot?
Marny agreed with the idea to discuss both CCR documents either one Article at a time or in four parts allowing plenty of time for Owners to participate, compare, and discuss.
There was much debate about whether this committee should be formed before or after the CCR survey is produced and distributed to the Owners. It was requested that *a survey question should ask Owners whether they want to compare both the New CCR Draft and the tweaked Version 19.* Jessica, Tracy, Lucy, and others, commented that more time was needed to re-write CCR than the couple weeks the board was allowing. The re-write committee needs to be formed first and functioning; ground work will take more than 30 days. What Paul is proposing to do before seating the committee will take 60 days. Paul Reddy wants the board to have control of the committee, a reverse of transparency. The question was asked: *"If Reddy insists on control then why form a committee:"* Chris Kautz: *"The re-write committee should create recommendations for the board."* This committee needs to do its discovery work unhampered to provide Chris Bachman with valid input to create unbiased survey questions before the survey is distributed to the Owners.

In 2018 Owner comments and input at meetings, also Tickets and emails, and personal communication were compiled into an [Annotated CCR document](#). Reddy said he had looked at it and found this document very useful in developing **his** survey questions.

Months ago during waning intentions Owners picked up the slack to move forward a [new pro-Owner draft CCR declaration](#), a very viable alternative for Owners to be allowed to consider.

Jessica Wiltsee volunteered tonight to be on the Re-write Committee, however, no one was added to the re-write committee roster. There are others who have yet to be included.

"Always try to err on the side of inclusion allow people to work together by allowing them to be involved."

The question was posed to the board, *"Is there an underlying, unspoken motive why the board has branded the re-write committee as the most important HOA committee, yet Reddy has postponed since October, its formation and its membership?"* No reply.

Kate remarked there should be no private conversations by a transparent board of trustees.

- 7) Treasurer's Report. Elena Gladson, treasurer. Copies of the budget were distributed to the board and a few others. Elena said she is going to be very strict with the board regarding further expenditures since no 2019 budget item exists for another CCR vote. If the board overspends at the rate they did for the CCR vote the **Owners will have to be assessed** for more money to cover board venues, Model HOA, legal and underdrain expenditures. *Should the board overspend their budget? is another good survey question*. Remember that last month's report had a transfer of \$10,000 from the UD fund to cover most of the \$13,000 vote shortfall. The question was asked: what became of the \$7,000 reported to have been returned by Morris & Sperry to our HOA? No reply.

Most of the Owners have paid their 2019 annual dues. Have reminders been sent to those who have not paid? No reply. The new February 20 Supreme Court law disallows policing for profit.

- 8) Committee Reports.

a) **Master Association**: The ice on the lakes, inlets, outlets, and channel streams is very thin. The Masters Association turned on the aeration system defrosting areas in the middle and edges of the lakes. **Please ensure pets and children do not venture out on the ice!**

Robertshaw reported the Master Association has few attendees to their meetings though their board is composed of the 12 subdivision presidents and represent 513 Owners. They have nearly half a million in deposits. Most expenditures are for the benefit of the 54 lake view lots around the two lakes. Ed said the MA has a desperate need to update their 1989 Draft Bylaws. Lucy Archer asked if attorney Edward "Ted" Barnes completed the MA Bylaws in 2014. Ed answered that Ted did but they were considered unsatisfactory so were not approved. Lucy asked if the MA has considered producing their first set of CCRs. Ed answered that the only governing documents the MA has are the ones that Lucy wrote for them. [This is what the board refers to as "misinformation", in this instance it is from a former board president.]

Lucy corrected him, saying she never wrote any documents for the MA, he should look at the [MA webpage list of documents](#) to learn that the Developers Michael Barnes, Warren Spieker, and Rick Widdows produced and provided the 1989-1990 MA Bylaws at the behest of the Summit County Commission.

In [2010 a survey was circulated to all 513 MA Owners](#). The most common remark from most of the Owners of property in the 8 subdivisions south of Silver Springs was that they do not want to be included in the Master Association Membership. They each resent that they have to pay the MA \$175 per year to fund the lifestyle of the 54 lake front lot owners for their nearly exclusive use. As Robertshaw reported, there is nearly no interest in the MA from the other subdivisions. Many would resign from MA membership except they do not want to be put through the legal expense and court fight the MA board imposed on the 9 Owners of Quail Meadows Townhomes. The MA is another level of bureaucracy that was foisted on each of us without our permission or vote.

It was agreed to keep the MA and SSSF completely separate as each works on new documents.

b) **Underdrains:** Bill Noland reported it appears to be an above average snow year, it may be a good idea for the Board to consider conducting a "base line" or "flow study" to determine actual flows through the system? This might help understand the current condition and effectiveness of the system, which may also assist us in establishing a short, mid- and long- term maintenance plan for the system?

Starting round 9 am this (3/11/19) Monday morning a backhoe cut through the snow berms blocking access to the 6 upper system (Plat A) manholes we will use to clear obstructions from the 12 accessible underdrain segments. "No property will be disturbed." The date for the actual hydro-jet clearing of the lines is TBD; Bill expects to hear from the vac-truck contractor on fixing a date by early next week. The observable parts of the system are already running at a typically late April flow.... There will be a large amount of water in the ground this spring throughout the community... The amount of water in our subdivision this year will have nothing to do with the 6'-8' below surface underdrains, as it will be mostly *surface* snow melt and run-off handled by streets, curbs, storm drains, water channels, streams and creeks. "The volume of water is irrelevant; the system is capable of transporting water as long as there are no obstructions. High water flushes itself out." A survey of the underdrain system requires \$30,000. The lower Plat B system is more difficult than Plat A, and involves more private property.

Tuesday, March 19, beginning at 9 am, vac-jet contractor to jet spray accessible sections of the UD.

Noland added he looks forward to the Underdrain Committee, Clay Archer, and new today on this committee, Russ Paskowski, assisting him with the maintenance issues created by this 40 year old system. This committee is to operate outside of the SSSF Governing Docs; policy and expenditures to are to be pre-approved by the board. This threesome will meet this coming Sunday, March 17th at the P.C. Library to discuss the responsibilities of the committee members. A field trip to examine the new underdrain manhole (#8A) on Willow Loop will be included.

Unanswered questions: when our SSSF ground water is gathered and delivered via underdrains into the property of our subdivision neighbors to the north of us, how is it that they can deal with their own water, and our water, without use of underdrains? Everyone in the Snyderville Basin experiences the same watershed conditions. Are we being good neighbors? The Silver Springs lakes were dredged to be retention ponds. Does it make sense our neighborhood's collective lakes and

streams can benefit from delivery of our ground water into these lakes thereby reducing the need for aerators and chemicals?

c) [Traffic Calming](#): Elena's husband's vehicle was hit by a bus as he backed out of his driveway on Silver Springs Drive. Here began her interest in forming this committee. When the snow melts she will begin her work. It was asked, what kind of work do you propose to do? Suggestions were street corners with dense trees and bushes are to have branches removed up to six feet from the ground. There will be monitoring for full stops at intersections with stop signs. Residents will be encouraged to slow down their driving speed and frequency. Some ideas are to make the roads narrower, to add speed bumps or roundabouts, to install automated speed enforcement cameras, to install "Your Speed" display monitors, painting physical traffic designs on the roads or to install more signage. After looking at the [Street Calming link](#) do you think most of this is really necessary? In the winter the changes to intersections, road chokers, impediments, etc. seem a bit extreme. Will you support a request to the transportation department to end bus traffic along Silver Springs' Roads?

d) **Communications Committee**. This includes the board website, Facebook page, (is there a) monthly newsletter, notifications to the Owners not including those Model HOA is responsible for. Robertshaw said he had not known he was no longer on this committee; he gave his official resignation. Chris Bachman was confirmed to the Communication Committee with the proviso that he would "not go rogue", would not be "a spy from within", and would "report issues in a manner the board would pre-approve". Transparency to become opaque. Currently Chris provides online *Silver Springs Life* commentary and a recent neighborhood survey returned by 28% of the Owners. See February 11, 2019 Minutes. Hunt Williams nominated Marny Schlopy to this committee, seconded and approved by majority of the board.

e) **Parcels Q and V**. Edy Celarec is absent; Heinrich waited for two hours then left the meeting at 8:00 pm. Williams and Noland demurred input. During the week Lucy shared the Web pages for Parcels Q & V with all members of this committee. [Q is here](#). [V is here](#). As of this morning, March 7, 2019, no one on this committee reported seeing or having the John Richards III ("I paid for it out of my own pocket!") survey and report that was referenced at last month's meeting regarding the ownership status of Parcels Q or V. Lucy made a call to Richard's Law Office to speak to his assistant Patsy Young (she had accompanied JR to at least one of our HOA meetings). A careful conversation revealed that "this Law firm did not engage Alliance Engineering to complete a survey or produce a report for Parcels Q or V. Alliance Engineering and Richard's Law merely had a conversation to discuss these Parcels." I asked if the information posted for these two parcels correlated with their conversation outcome. She answered that *at this time the board has not authorized any further work from their firm*.

Patsy added that *with* the SSSFHOA board approval they can release the *verbal findings* between these parties. I asked whether this law firm had visited the Community information webpages for Parcels Q & V. Patsy told me they were very aware of this website.

We discussed how to resolve this very longstanding issue regarding these two Parcels. Patsy offered that the owners of Lot 17 do not need to receive permission from either HOA to initiate quiet title approval through the courts to transfer Parcel V as an annexation to Lot 17. Neither HOA holds an

ownership right to Parcels Q or V.

Archer also had productive conversations with Doug Evans of Mountain Regional Water regarding the [2004 Lakes Conveyance Agreement](#) that describes the *lakes and all waterways collectively as a part of the agreement*. MRWD is happy to leave the SS collection of waterways, including Q, as they now exist.

Surveyor Scott Braun said the Silver Springs Parcels A through X that do not have metes and bounds descriptions or tax i.d, or are not recorded on a plat, legally they do not exist. These recordings trump ground truth.

Also a review of the [1989 Developer-\[Master\]Homeowner Agreement](#) can be understood to give to the MA the miscellaneous Silver Springs Water Co./American Savings Bank parcels included on the [J. Johnson 1987 Parcel Exhibit](#). Title or transfer of former Silver Springs Water Company waterway Parcels N, G, O, P, Q, F, S, & T cannot occur without proof of rights, survey metes and bounds data via a survey, and court action with all its costly accoutrements. See [MA Parcel's webpages for maps, exhibits, letters, existing tax I.D. numbers, etc.](#)

Lucy also contacted Palmer-Wilding Engineering to learn if they archived some of the specs and information they gathered c.1982-1988 in relation to our subdivision and its surrounding areas. David Wilding is the partner who may have something to share. Waiting for him to let me know.

f) **Model HOA contract:** expires in April 2019. This was not on the agenda nor was it discussed. Will the board be renewing this contract, and at what cost and terms? Depending on what duties the board requests from them this is a \$16,200 annual budget item. However, all compliance issues are now to be handled by Model HOA Property Managers. All the Minutes and coordination of correspondence are generated by Model HOA rather than the board or its secretary. Model HOA are also receiving, monitoring, and creating reports of all the board dues payments etc. rather than the treasurer. The cost of this contract is likely to increase in 2019. These delegations of board duties to Model HOA makes for an easy segue to dissolution of the HOA in favor of a Neighborhood Council employing a property management company.

g) **ARC issue:** It was reported that the house belonging to David & Kelly Prom on Lot 163 at 5184 East Meadows Drive had been in demolition and remodel mode since early last spring. Last spring the decks had been removed and the back side of the house had only thin plastic sheeting to protect this interior. [A visit to the property at the end of this week 3/2019 showed there are now carpenters at work making remodel improvements.]

9) **Adjournment:** 8:40 p.m.

This Report was written by Lucy Archer.

The next board meeting will be in two months on
Monday, May 13th, 6:00 p.m. at Park City Library, 1255 Park Ave. Room 201

After the May meeting skip two more months to the next meeting on Monday, July 8th, 6:00 p.m.
Location to be announced.

Meetings of the board in the interim of the OFFICIAL meetings, wherein they conduct SSSF business, creates transparency gaps.

Comments from Owners about this meeting. Posted on FB Community page and emails:
3/14/2019-- Two and one-half days after the 3/11/19 meeting, D.H., one of the new trustees "resigned from the SSFHOA Board of Trustees and all associated committees." Someone said "D.H. expected a cakewalk... she is a new resident who doesn't realize Silver Springs is finally coming out of the dark, ugly place we have been in since the last months of 2008. Residents are coming out at last to engage the board and participate in our neighborhoods "Life".
D.H. continued: "The tones of the meetings are extremely negative..." Attendees at the 3/11 meeting watched as D.H. unraveled. Throughout the meeting she was challenging homeowner comments, making feisty remarks almost under her breathe, and generally her mood was indignant. Owners' after meeting discussions were most hopeful that this new trend to allow Owner participation during board meetings would continue. Praise is given to trustee Hunt Williams for his appointment of several new committee members who have long wanted duties to be dispensed to all who wanted to be active and included. Participation makes our homes a part of a happy village.

This vacancy will not remain so for long. Hunt Williams delivered to the board a nomination for a worthy candidate who was voted for at the October 25, 2018 meeting.